

FILED

SEP 28 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES D. KLEIN,

No. C 05-1255 MHP

Plaintiff(s),

ORDER
(Ninety-Day Conditional Dismissal)

v.

BOVIS INC.,

Defendant(s).

The parties hereto, by their counsel, having advised the Court that they have agreed to a settlement of this action.

IT IS HEREBY ORDERED that this action is dismissed with prejudice; provided, however, that if any party hereto shall certify to this Court, with a proof of service of a copy on opposing counsel, within 90 days from the date hereof, that the agreed consideration for the settlement has not been delivered over, this Order shall stand vacated, and the action shall be restored to the calendar to be set for trial.

Dated:

9/26/05

MARLENE HALL PATEL
United States District Judge